

EXHIBIT 9

BILL DONNER
11/16/2021

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)
)
Plaintiffs,)
)
vs.) No. 20-cv-00983-TSZ
)
CITY OF SEATTLE,)
)
Defendant.)

ZOOM 30 (b) 6 Deposition Upon Oral Examination

Of

BILL DONNER - RICHMARK LABEL

CONTAINS CONFIDENTIAL PORTIONS

DATE: Tuesday, November 16, 2021

REPORTED BY: Mindy L. Suurs, CSR No. 2195

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BILL DONNER
11/16/2021

Page 197

1 since I've been here today.

2 Q. Okay. 10/21 of '21?

3 A. Yeah.

4 Q. Of 2021? Okay.

5 A. Yeah.

6 Q. And it's my understanding that you texted with
7 people about CHOP?

8 MR. WEAVER: Objection.

9 A. I probably did with friends. I don't use --
10 rarely if ever use my texting for business. I'm not in
11 sales. I don't have a lot of people calling me. I've got
12 a couple machinery manufacturers. I don't deal with
13 salespeople. I would text friends. I had -- CHOP was on
14 the news a lot. I got a lot of phone calls from friends or
15 text messages, which I would answer. But if it was -- it
16 related to CHOP, as you saw with Malone, the e-mails that
17 you brought up -- I e-mail that stuff. I don't do business
18 texts of any consequence.

19 BY MR. CRAMER:

20 Q. But you did text with friends, family about CHOP?

21 A. Oh, yeah.

22 Q. And you then deleted those texts; is that
23 correct?

24 A. Correct. As I did all other texts.

25 Q. Were you -- did you know when you were deleting

BILL DONNER
11/16/2021

Page 198

1 them that you were supposed to retain them for purposes of
2 the lawsuit?

3 MR. WEAVER: Objection.

4 A. Oh, no, this was all done well prior to this. I
5 delete things frequently during the day, so this -- I did
6 not go back and -- no, I did not delete anything having to
7 do with CHOP after -- after I had the messages with them.

8 The suit is long after that, so -- I think I know what
9 you're getting at, and the answer is no.

10 BY MR. CRAMER:

11 Q. But the text messages that you sent were during
12 CHOP?

13 A. Sure, yeah. I got lots of calls from people and
14 texts -- pardon me, calls, texts -- I'm old-fashioned --
15 texts from friends: What's going on up there, we saw the
16 news. I said, yeah, they're having a street fair -- just,
17 you know, it's conversational. It was not business.

18 Q. And at that point had you received a litigation
19 hold notice telling you to hold on to documents relating to
20 CHOP?

21 A. No.

22 Q. And you're confident of that?

23 A. Oh, yeah, absolutely.

24 Q. And you guys -- you filed the lawsuit while
25 CHOP -- on June -- in June 2020; correct?

BILL DONNER
11/16/2021

Page 215

1 REPORTER'S CERTIFICATE
2

3 I, Mindy L. Suurs, the undersigned Certified Court
4 Reporter, pursuant to RCW 5.28.010, authorized to
5 administer oaths and affirmations in and for the State of
6 Washington, do hereby certify:

7 That the foregoing testimony of BILL DONNER was given
8 before me at the time and place stated therein and
9 thereafter was transcribed under my direction;

10 That the sworn testimony and/or proceedings were by me
11 stenographically recorded and transcribed under my
12 supervision, to the best of my ability;

13 That the foregoing transcript contains a full, true,
14 and accurate record of all the sworn testimony and/or
15 proceedings given and occurring at the time and place
16 stated in the transcript;

17 That the witness, before examination, was by me duly
18 sworn to testify the truth, the whole truth, and nothing
19 but the truth;

20 That I am not a relative, employee, attorney, or
21 counsel of any party to this action or relative or employee
22 of any such attorney or counsel and that I am not
23 financially interested in the said action or the outcome
24 thereof;

25 DATE: November 23, 2021

Mindy L. Suurs

Mindy L. Suurs
Certified Court Reporter #2195



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